

**7BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

CUCINO CORPORATION,

Respondent.

Docket No. FMCSA-2008-0290¹
(Eastern Service Center)

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On May 28, 2008, the Rhode Island Division Administrator for the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim to Respondent, Cucino Corporation, proposing a civil penalty of \$9,750 for one alleged violation of 49 CFR 396.3(a)(1), for failing to maintain a vehicle to ensure that it was in safe and proper operating condition. In the Statement of Charges section of the Notice of Claim, the Division Administrator alleged that the trailer specified in the charge was involved in an accident, and that a post-accident examination revealed that the trailer had insufficient brake linings on the forward axle.²

On July 25, 2008, Respondent replied to the Notice of Claim, requesting an informal hearing. Respondent contended that the trailer involved in the accident was not the same trailer referred to in the Statement of Charges. Respondent also argued that the insufficient brake linings discovered in the post-accident review did not cause the accident.³

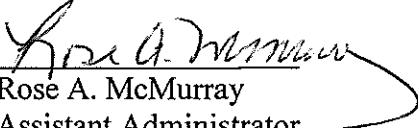
¹ The prior case number of this matter was RI-2008-0024-US0042.

² See Exhibit A to Field Administrator's Motion for Extension of Time.

³ See Exhibit B to Field Administrator's Motion for Extension of Time.

On October 17, 2008, Claimant, the Field Administrator for FMCSA's Eastern Service Center, submitted a Motion to Dismiss the proceeding because the matter was closed without enforcement. Claimant's Motion is granted. The proceeding is dismissed and the docket is closed.

It Is So Ordered.


Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

3-31-09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 1 day of April, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Robert Cucino
Respondent
Cucino Corporation
15A Green Hill Road
Johnston, RI 02919

One Copy
U.S. Mail

John C. Bell, Esq.
Trial Attorney
Office of Chief Counsel (MC-CCE)
Federal Motor Carrier Safety Administration
Eastern Service Center
802 Cromwell Park Drive, Suite N
Glen Burnie, MD 21061

One Copy
U.S. Mail

Pamela Noyes
Rhode Island Division Administrator
20 Risho Ave., Suite E
East Providence, RI 02914

One Copy
U.S. Mail

U.S. Department of Transportation
Docket Operations, M-30
West Building Ground Floor
Room W12-140
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Original
Personal Delivery